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Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY TOKYO PRIORITY
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GUAM PASS TO STATUS LNO TRENT SAIPAN

E.O. 11652: N/A
TAGS: TSPA, PFOR, JA, US, TQ, MARR
SUBJ: JAPANESE DOWN-RANGE TRACKING STATION

REF: TOKYO 0196

1. FOLLOWING IS IN RESPONSE TO EMBASSY AND GOJ QUESTIONS AND PROPOSALS CONCERNING INTERGOVERNMENTAL STATUS OF AGREEMENT. TECHNICAL QUESTIONS ANSWERED SEPTEL.

2. IN ADDITION TO PARTICULAR SENSITIVITY OF AN ARRANGEMENT CONCERNING A UN TRUST TERRITORY, THE PROPOSED
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AGREEMENT IS OF A TYPE WHICH CUSTOMARILY WOULD BE THE

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SUBJECT OF INTERGOVERNMENTAL AGREEMENT. PERMISSION FOR USE OF LAND, IMPORTATION OF EQUIPMENT AND LOCATION ON SENSITIVE FACILITIES ARE ALL INVOLVED. WE NOTE, FOR EXAMPLE, THAT 1968 OKINAWA TRACKING STATION AGREEMENT WITH JAPAN FOLLOWED INTERGOVERNMENTAL ROUTE. FURTHERMORE, 1969 SPACE COOPERATION AGREEMENT WITH JAPAN WAS INTERGOVERNMENTAL, AND IT SPECIFICALLY APPLIES TO SERVICES TO BE PROVIDED FOR NASDA.

3. DEPT REQUIREMENT FOR INTERGOVERNMENTAL AGREEMENT RESULTS FROM REASSESSMENT OF ABOVE FACTORS, COUPLED WITH

INCREASING CONGRESSIONAL SENSITIVITY TO ATTEMPTS TO CHARACTERIZE ARRANGEMENTS AS OTHER THAN GOVT-TO-GOVT AGREEMENTS AND THUS AVOID REQUIREMENT THAT WE REPORT GOVT-TO-GOVT AGREEMENTS TO CONGRESS.

4. IN LINE WITH THE 1969 AGREEMENT AND EMBASSY PROPOSAL PARA 3 REFTEL, EMBASSY IS AUTHORIZED TO PROPOSE FOLLOWING CHANGES IN TEXT OF USG NOTE:

A. INSERT WORDS QTE BY NASDA UNQTE AFTER QTE FULLY REIMBURSED UNQTE AT CONCLUSION OF FIRST PARAGRAPH.

B. AMEND CONCLUDING PARAGRAPH TO READ AS FOLLOWS: QTE IF THE GOJ IS PREPARED TO AUTHORIZE NASDA TO UNDERTAKE THESE ACTIVITIES SUBJECT TO THE FOREGOING CONDITIONS, THE MINISTRY'S NOTE TO THAT EFFECT AND THIS NOTE SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS, THE OBLIGATIONS ON THE PART OF THE GOJ TO BE CARRIED OUT BY NASDA, WHICH SHALL ENTER INTO FORCE ON THE DATE OF THE MINISTRY'S REPLY AND SHALL CONTINUE IN FORCE UNTIL JULY 1, 1977, UNLESS OTHERWISE AGREED BY THE TWO GOVERNMENTS. UNQTE

5. WE HOPE THE FOREGOING WILL MEET THE GOJ CONCERNS, WHILE SATISFYING USG REQUIREMENTS FOR INTERGOVERNMENTAL AGREEMENT. GOJ PROPOSAL PARA 2 REFTEL IS NOT RPT NOT ACCEPTABLE TO USG. NOT ONLY IS PHRASING SUCH AS TO SUGGEST IT IS USG WHICH SEEKS AGREEMENT, BUT SUBSTANTIVELY A SECOND, NON-INTERGOVERNMENTAL AGREEMENT WOULD

APPEAR TO BE REQUIRED TO BRING CONDITIONS AND OBLIGATIONS INTO EFFECT. WE BELIEVE FORMULATION SUGGESTED PARA 4(B) ABOVE SHOULD CONSTITUTE REQUISITE AUTHORIZATION FOR NASDA WITHOUT DESTROYING INTERGOVERNMENTAL CHARACTER OF AGREEMENT. RUSH

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